

CITY OF IDAHO FALLS
BOARD OF ADJUSTMENT
P.O. BOX 50220
IDAHO FALLS ID 83405-0220
(208) 612-8276

October 25, 2012
12:15 p.m.

City Annex Building, Council Chambers
680 Park Avenue

Members Present: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Richard Lee; Len Stenzel; and James Wyatt.

Members Absent:

Staff Present: Brad Cramer, Assistant Director and Debra Petty, Recording Secretary.

Also Present: Charley Jones, Shane Meyers, Will Anderson and 3 interested citizens.

Changes to Agenda: None.

Call to Order: The meeting was called to order at 12:22 p.m. by Chair Lee.

Minutes: **September 13, 2012.** Motion by Cordova, seconded by Creek, to approve the minutes of September 13, 2012, with corrections.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Richard Lee; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Public Hearings: **Variance**
Lots 1-6 & E 10' Lot 7, Block 1, Crows Addition
496 1st Street (Stinker Station)

Brad Cramer, Assistant Director, described the request as outlined in the staff report, a part of the public record. He noted the following in regard to the project:

- The requirement for a 15 foot landscape strip along public streets bordering a property in the C-1 zone was passed in April, 2005. This request is for a reduction to the required landscaping from 15 feet to 0 feet on 1st Street and 15 feet to 4 feet on Holmes Avenue. This property has 278 feet of frontage.
- The lot is 20,021 square feet; 5,000 square feet larger than other lots in the area. The existing store will be replaced with new construction.
- Other properties in the area do not have perimeter landscaping. Should they develop they will be held to the same requirements for landscaping.
- In comparison to other convenience/gas stores, e.g. Maverik at 1st and Woodruff and Exxon at Outlet and Sunnyside, it is one-third the size. Another commercial use could be developed and still meet the landscape requirements.
- At a national level, there are instances where variances have been upheld by the courts because the existing structure created the hardship.
- The required landscaping for this location should be 13.8% or 2,775 square feet. The proposed landscaping is 9.8% or 1,980 square feet. The perimeter landscaping consists of shrubs as the 4 foot landscaping strip will not accommodate growth of a healthy tree. No landscaping is proposed on the north due to proximity to gas pumps.
- Two parking stalls do not show a 24 foot drive aisle and will need to be corrected on the site plan.

- Staff recommends approval with the condition the canopies and pumps be removed and the required landscaping installed if the use changes from a fuel station.

Cramer told Cordova the plan does have the required number of parking stalls, but as noted in the staff report some modifications are needed to meet the required 24 foot drive aisle. He told Wyatt there has been discussion about gaining additional right-of-way for additional lanes at the intersection of 1st Street and Holmes, but nothing tangible. Davies questioned the width of the drive aisles. Cramer said the measurement from the parking stall to the front to the canopy on the east is approximately 20 feet and from the north canopy to the property line is 16 feet. To require landscaping on the north would impede motorists. He explained Classic Interiors and Leo's Pizza to the east developed in the last 10 years and the use has not changed. They are not required to remove asphalt for landscaping. He told Wyatt any landscaping on the corner must be 3 feet or less in height to meet the requirements of the clear sight triangle.

Chair Lee opened the hearing to public comment.

Shane Meyers, 1490 E 100 S, Shelley, ID, 83274. Mr. Meyers showed three of the new Stinker stations and each is neat, clean, and of quality construction. The new facility will improve the appearance of the intersection of Holmes Avenue and 1st Street as well as the surrounding area. He accepts Mike's Pharmacy to the south meets the landscaping requirements, but agrees with staff that it doesn't meet the definition of landscaping. Meyers believes there is undue hardship related to the property. A corner lot requires more landscaping when fronting two public streets. The location of the existing fuel stations creates the need for a variance. The hardship is not economic in nature nor was it created by Stinker stores. The desired site improvements are impacted by the landscaping code of 2005. Granting the variance will not negatively impact the neighborhood. Meyers said the site plan will be modified to show a twenty-four foot drive aisle and the north and east entrances at the corner of 1st Street and Holmes Avenue will be closed.

Chair Lee closed the hearing to public comment.

Cramer told Davies the recommended condition should be made as part of the motion. He said if the use were to change from a fuel station the tanks and canopies need to be removed and the required landscaping installed. **Motion by Cordova, seconded by Creek, to approve the request for a variance to reduce the required landscaping from 15' to 0 on the north and from 15' to 4' as it meets the requirements for a variance with the condition if the use changes from a fuel station, the canopies and pumps must be removed and the required landscaping installed.**

Motioned passed.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; and James Wyatt.

Nay: Len Stenzel.

Abstain:

Adjourn:

Meeting adjourned at 1:05 p.m.

Richard Lee, Chair and/or
Len Stenzel, Vice Chair